

UNITED STATES DISTRICT COURT
for
EASTERN DISTRICT OF NORTH CAROLINA
SOUTHERN DIVISION

U.S.A. vs. Michael Johnson

Docket No. 7:02-CR-9-2F

Petition for Action on Supervised Release

COMES NOW John A. Cooper, probation officer of the court, presenting a petition for modification of the Judgment and Commitment Order of Michael Johnson, who, upon an earlier plea of guilty to 21 U.S.C. § 846, Conspiracy to Distribute and Possess With the Intent to Distribute More Than 5 Kilograms of Cocaine Hydrochloride, was sentenced by the Honorable James C. Fox, Senior U.S. District Judge, on July 7, 2003, to the custody of the Bureau of Prisons for a term of 188 months. On February 23, 2005, the term of imprisonment was reduced to 136 months. It was further ordered that upon release from imprisonment the defendant be placed on supervised release for 60 months under the standard conditions adopted by the court and the following additional conditions:

1. The defendant shall participate as directed in a program approved by the probation office for the treatment of narcotic addiction, drug dependency, or alcohol dependency which will include urinalysis testing or other drug detection measures and may require residence or participation in a residential treatment facility.
2. The defendant shall abstain from the use of any alcoholic beverages, shall not associate with individuals consuming alcoholic beverages, shall not frequent business establishments whose primary product to the consumer is alcoholic beverages, and shall not use any medication containing alcohol without the permission of the probation office or a prescription from a licensed physician.
3. The defendant shall consent to a warrantless search by a United States Probation Officer or, at the request of the probation officer, any other law enforcement officer, of the defendant's person and premises, including any vehicle, to determine compliance with the conditions of this judgment.

Michael Johnson was released from custody on June 6, 2011, at which time the term of supervised release commenced.

RESPECTFULLY PRESENTING PETITION FOR ACTION OF COURT FOR CAUSE AS FOLLOWS:

On September 30, 2013, Johnson committed the offenses of Driving While Impaired and Possession of an Open Container of Alcohol. Wilmington Police officers stopped Johnson at 11:01pm after he was observed speeding and driving through a red light. Johnson registered a .12 Blood Alcohol Content and officers found an open Budweiser beer can in his vehicle. The charges are pending trial in New Hanover County District Court on October 23, 2013.

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Johnson has been on supervision for over two years and this is the first incident of noncompliance he has incurred. He promptly reported this arrest to the probation officer and admitted guilt. He was embarrassed by the lack of good judgment he exhibited in this incident. As such, he is prepared to accept the sanctions that may be imposed by the court. Based on his otherwise compliant conduct, our office recommends supervision be continued but modified to require the defendant to serve two days in jail and participate in a cognitive behavioral program to help him improve his decision making skills and refocus his priorities. The defendant signed a Waiver of Hearing agreeing to the proposed modification of supervision.

PRAYING THAT THE COURT WILL ORDER that supervised release be modified as follows:

1. The defendant shall be confined in the custody of the Bureau of Prisons for a period of 2 days, and shall abide by all rules and regulations of the designated facility.
2. The defendant shall participate in a cognitive behavioral program as directed by the probation office.

Except as herein modified, the judgment shall remain in full force and effect.

Reviewed and approved,

I declare under penalty of perjury that the foregoing is true and correct.

/s/ Robert L. Thornton
Robert L. Thornton
Supervising U.S. Probation Officer

/s/ John A. Cooper
John A. Cooper
U.S. Probation Officer
2 Princess Street, Suite 308
Wilmington, NC 28401-3958
Phone: 910-815-4857
Executed On: October 15, 2013

ORDER OF COURT

Considered and ordered this 15th day of October, 2013, and ordered filed and made a part of the records in the above case.

James C. Fox
James C. Fox
Senior U.S. District Judge